

EXHIBIT B

March 3, 2008 email communications among defense counsel,
the AUSA and the Probation Officer, addressing restitution

Mark Vermeulen

From: Mark Vermeulen [vermeulen@mindspring.com]
Sent: Monday, March 03, 2008 4:18 PM
To: 'lori_timmons@canp.uscourts.gov'
Cc: 'Fazioli, Joseph (USACAN)'
Subject: Bernadette Escue - restitution amount

Lori:

Following our conversation, attached are the following documents from discovery (contained in the initial discovery I received, and hand-numbered as Bates pages 32-33):

- Letter dated August 6, 2004 from Chubb Group to AUSA Matt Harris (noting loss in the amount of \$90,297)
- "Release and Assignment" dated June 8, 2004 (signed by Network on July 26, 2004, noting payment to Network of \$40,297.53, with a hand-written notation of a \$50,000 deductible)

By these documents, it seems loss and restitution should be set at \$90,297.53.

You noted that your belief in the draft PSR that restitution equals \$95,619.21 (draft PSR, p. 5, ¶ 20) was derived from notes provided to you by Joe or the case agent. I don't have those notes. Please provide those to me if there will continue to be a controversy over whether restitution is set at \$90,297.53.

Thanks.

Mark

Mark R. Vermeulen
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4/22/2008

Mark Vermeulen

From: Mark Vermeulen [vermeulen@mindspring.com]
Sent: Monday, March 03, 2008 4:50 PM
To: 'Fazioli, Joseph (USACAN)'; 'lori_timmons@canp.uscourts.gov'
Subject: RE: Bernadette Escue - restitution amount

Joc:

Got it. The typewritten pages with the handwritten notes on the final page. Sorry for my oversight, and thanks for clarifying.

Let me/us know what you think further.

Mark

-----Original Message-----

From: Fazioli, Joseph (USACAN) [mailto:Joseph.Fazioli@usdoj.gov]
Sent: Monday, March 03, 2008 4:41 PM
To: Mark Vermeulen; lori_timmons@canp.uscourts.gov
Subject: RE: Bernadette Escue - restitution amount

Mark,

You do have the notes for the \$95,69.21 figure, they are right at the front of the materials I sent to Lori T on 11/27/07 and subsequently faxed to you in their entirety on 1/10/08 (the spreadsheet for the 95K figure is right after the letter to Ms. Timmons, and the 302 dated 10/19/07). That being said, let me take a look at the documents to see what our position will be regarding what should be the appropriate restitution amount.

Joe

From: Mark Vermeulen [mailto:vermeulen@mindspring.com]
Sent: Monday, March 03, 2008 4:18 PM
To: lori_timmons@canp.uscourts.gov
Cc: Fazioli, Joseph (USACAN)
Subject: Bernadette Escue - restitution amount

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